IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 73703-M of 2006

DATE OF DECISION : 23.11.2006

Vickey Kumar

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Davinder Bir Singh, Advocate,
for the petitioner.

* * *

Petitioner Vickey Kumar, who is accused in case FIR No. 69 dated 7.9.1999 under Sections 324/326 IPC, registered at Police Station Division No.3, Ludhiana, has filed this petition under Section 482 of the Code of Criminal Procedure for quashing of order dated 1.7.2006 passed by Judicial Magistrate Ist Class, Ludhiana, whereby an application filed by the petitioner for re-calling two prosecution witnesses for further cross-examination has been dismissed, while observing as under :-

> "Perusal of file reveals that the case is fixed for defence evidence and the accused has already availed more than four opportunities for defence evidence and after that he has filed this application. It is a well settled law of our own Hon'ble High Court that by changing the counsel, such type of application can not be entertained that earlier learned counsel has not cross-examined the witnesses thoroughly and properly. If such type of applications filed by the accused are allowed, then it will open flood gate of litigation. So this application being devoid of any merit is dismissed."

After hearing counsel for the petitioner, I do not find any ground to interfere in the aforesaid order and I am satisfied that the said application has been filed just to delay the matter.

Dismissed.

November 23, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**